



United States Attorney
Southern District of New York

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July 26, 2024

VIA ECF

The Honorable Ona T. Wang
United States Magistrate Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl St.
New York, NY 10007

Re: *New York Legal Assistance Grp. v. Soc. Sec. Admin.*, 23 Civ. 9363 (ALC) (OTW)

Dear Judge Wang:

This Office represents the Social Security Administration (the “SSA”) in the above-captioned action brought by plaintiff New York Legal Assistance Group (“NYLAG”) pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”), and the Administrative Procedure Act, 5 U.S.C. § 702 (“APA”). I write respectfully on behalf of both parties, pursuant to the Court’s June 25, 2024 order (ECF No. 39), to provide the Court with an update on the parties’ progress in discovery.

As background, the parties appeared for a status conference on June 25, 2024. (Minute Entry at 6/25/2024). Subsequent to the conference, the parties engaged in several meet-and-conferences to discuss the discovery requests. On or around July 2, 2024, the parties agreed that the SSA would produce a subset of the discovery NYLAG sought in its document requests (the “RFPs”) and interrogatories, dated May 30, 2024, that NYLAG identified as priority discovery requests. Pursuant to that agreement, the SSA agreed to produce such discovery within two weeks from the date that the Court entered the protective order in this case. (See ECF No. 40-41). The Court entered the protective order in this case on July 9, 2024. (ECF No. 42).

Pursuant to the parties’ agreement, on July 23, 2024, the SSA produced to NYLAG: (i) 44 Program Operation Manual Systems (“POMS”) sections that had been specified by NYLAG (a subset of RFP 2); (ii) 2 Emergency Messages (“EMs”) that had been specified by NYLAG (a subset of RFP 3); (iii) a list of active Administrative Message (“AM”) titles (a subset of RFP 5); and (iv) a description of the categories of POMS contained in Exhibit B to NYLAG’s RFPs. The SSA is actively working to compile and produce the only outstanding item subject to the parties’ agreement, which consists of documents concerning its policies and procedures for reviewing and publishing sensitive POMS, EMs, and AMs (RFP 7(a) and (b)). The SSA is also working to produce two AMs specified by NYLAG after NYLAG received the list of active AMs (a subset of RFP 4). The SSA anticipates responding to NYLAG’s request for these documents by August 7, 2024.

NYLAG will review SSA’s productions and provide any response regarding these documents to SSA by August 23, 2024. On July 24, 2024, NYLAG provided SSA with a proposal for the next set of information it seeks from SSA in discovery and NYLAG subsequently clarified this proposal via e-mail and met and conferred with SSA counsel via telephone on July 25, 2024.

By August 9, 2024, SSA will inform NYLAG whether it will agree to that proposal (in whole or in part) and, if SSA does not fully agree to that proposal, the Parties will meet and confer by August 14, 2024.

Given the parties' progress in discovery, the parties are hopeful that they can continue to work together productively on discovery and believe that the parties do not require judicial intervention at this time. The parties jointly propose that they file another status letter with the Court in thirty days, on or before August 26, 2024.

Respectfully,

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cc: Plaintiff (via ECF)